

MINUTES
ZONING BOARD OF APPEALS
June 24, 2021 at 6:00 PM
at 15 Summer St- City Hall

Members Present roll call: Dennis Ackerman, Craig Faria, George Moniz, Scott Rodrigues. .

Meeting opens at 6:08 PM

Chairman Ackerman explains the ZBA process. They hear presentation from petitioner, hear opposition and in favor and then go back to petitioner to answer any questions. They do not go back and forth.

Chairman Ackerman advises all applicants that since there are only 4 members present they can choose to continue if they wish. He also mentioned that under MGL Chapter 40A there is an exemption is someone has a conflict they can vote if it's a necessity. Craig Faria will be voting on 2 cases of which he had a conflict but due to a Necessity can vote if applicant waives .

Acceptance of May 27th meeting minutes. Tabled till next meeting because they were just sent out

Case # 3610 – Requesting a 6 month extension.

Motion made and seconded to grant 6 month extension.

Vote: Rodrigues, Faria, Ackerman, Moniz....Yes

6 month extension granted.

Case # 3620 Turcotte Hamlen St. 77-343
For: A Variance from Section 440 Attachment #3 of the Zoning Ordinance for the development of a lot having 72 feet of paved frontage (instead of 100 feet)

For the Petitioner: Brad Fitzgerald, SFG Associates, 28 Main St., Lakeville, Ma.
Greg Sullivan, One South St., West, Raynham ,Ma.

Opposed: None

In favor; None

Brad stated they are seeking relief for the construction of a single family dwelling that has frontage on Hamlen Street but a portion of that road is a paper road. There is a condo development that has been approved with water and sewer. They want to be able to build at the end of the cul-de-sac as approved by the Conservation Approval. They actually have about 72 feet of paved frontage which will be sufficient for access for one lot. They have unique circumstances in that the way the cul-de-sac was constructed if they were to

extend it they would interfere with the wetlands. They received an order of conditions from Conservation and all they want to build is one single family house. Chairman Ackerman read dept. letters from the City Planner, Engineer, Fire Dept., Conservation Commission and Water Dept. George asked if they were any houses on the street and it was answered there are 3 or 4 and the condo development at the end. Public Input: No one in favor or opposed.

Motion made and seconded to grand with dept. comments.

- 1. Strict compliance with the Order of Condition under file # SE 73-2818.**
- 2. The single family dwelling must be serviced by municipal water and water. The dwelling must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II.**

Vote: Rodrigues, Moniz, Faria, Ackerman... Yes

Case # 3621 Mainran, LLC/NomainInc, LLC 687 County St. & 93-132
For: a Variance from Section 440-704 A (1) (E) of the Zoning Ordinance for the reduction of the parking spaces from 136 to 50 parking spaces for the expansion of the storage facility.

For the Petitioner: Atty. Edmund Brennan, 174 Dean St., Unti B, Taunton, Ma.
Mike Gardner, owner Castle Self Storage, 687 County St., Taunton, Ma.
Brandon Li, Kelly Engineering Group, 0 Campanelli Dr., Braintree, Ma.

Opposed: None
In favor: None

Atty. Brannan stated they were here 3 years ago for a waiver of the parking requirements and now they are here to add an addition to the existing site and need another waiver of parking requirements. They parking calculations is based up on the size of the building and it's not warranted for this type of business. They will be adding 30 more parking spaces to accommodate the addition for a total of 50 spaces. There will be minimal impact on the groundwater and drainage. Chairman Ackerman read dept. letters from City Planner, Engineer, Fire Dept., Conservation Commission, and water dept. The site is kept clean and they do a good job with landscaping and making the property look nice. George asked if they have any large bays? It was answered no vehicles allowed under the prior approval. Public Input; No one in favor or opposed. It was asked how many units will be added with the addition and it was answered around 400 units.

Motion made and seconded to grant as presented:

Vote: Faria, Rodrigues, Moniz, Ackerman... Yes
Petition granted

Case # 3622 Martignetti Companies 300 Charles Colton Rd.
For: A Variance from Section 440-702 A.2 of the Zoning Ordinance for the division of one parcel into two parcels (east and west) with a rear landscaping buffer of 0 feet on the west lot (instead of 40 feet) and on the east lot a front yard buffer of 12.6 feet (instead of 20 feet) and side yard buffers of 30 feet and 13 feet (instead of 40 feet) and a rear buffer of 31 feet (instead of 40 feet)

For the Petitioner: Atty. Edmund Brennan, 174 Dean St., Unit B, Taunton, Ma.
Taylor Dowdy, Civil Engineer, BSC Group, 803 Summer St, Boston, Mass.

Opposed: None
In favor: None

Atty. Brennan stated they are proposing a new 500,000 sq. ft. building which was before the Planning Board for a Site Plan Review last October. That showed both buildings on one lot and they ran into some problems so no they want to divide the lot into two lots. Each building will be on their own lot. The issue is with financing and it would be troublesome have the financing done all over again. They are asking for some landscaping buffer variances. Each lot will be an industrial use next to another industrial use. They will need to go to the Planning Board for a SP/SPR. Chairman Ackerman read dept letters from City Planner, Engineer, Fire Dept., Conservation Commission, and water dept. The lots will be divided to follow the infrastructure. Martignetti is a good neighbor and they keep their word. Public Input: No one in favor or opposed.

Motion made and seconded to grant with the following condition:

1. Compliance with Conservation Commission Order of Conditions #SE 73-2876

Vote: Faria, Rodrigues, Moniz, Ackerman... Yes
Petition granted

Case # 3624 Railroad Ave. Trust Railroad Ave. 125-14
For: A Variance from Section 440 Attachment #3 and 440-602 of the Zoning Ordinance for the division of one lot into two lots, lot 1 being a conforming lot and lot 2 having 46.72 ft of frontage instead of 125 feet, 44.13 feet of lot width instead of 100 feet and a shape factor of 40 instead of 35 on premises situated on **Railroad Ave, Taunton, Ma. property I.D 125-14 owned by Railroad Ave Trust.**

For the Petitioner: Atty. Brianna Correia, 123 Broadway, Taunton, Ma.
Jeff Tallman, Sitec CEC, 449 Faunce Corner Rd., Dartmouth, Ma.

Opposed: None
In favor: None

Opposed: None

In favor: Anita Mohammed, 23 Morton St., Taunton, Ma.

Hipolito explains the lot is unique in that it's long and narrow and thinks a 2 family will fit in the neighborhood. He has enough parking and they meet setbacks. Chairman Ackerman read dept. letters from City Planner, Conservation Commission, Engineer, B.O.H. and Fire Dept. Chairman Ackerman said he drove by to take a look at the neighborhood and saw the apartment complex next door but then you turn to Morton Street and there are several single family dwellings. He would prefer single family. He noticed the storage facility and apartment complex. George stated he received a lot of calls on this and there are a lot smaller lot sin the neighborhood and he too would prefer single family. He asked if petitioner was going to live there and Marc answers no he will construct and sell. Public input: Anita Mohammed, 23 Morton St. is in favor. A house there will be better than being vacant. It was asked if she had a single family and she answers no a multifamily. Opposed; No one.

Motion made and seconded to grant with the following conditions:

- 1. Single family house only.**
- 2. The proposed dwelling must be serviced by municipal water & sewer. All dwellings must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II.**

Vote: Faria, Rodrigues, Moniz, Ackerman... Yes
Petition granted

Case # 3626

Binda

27 Blinns's Court

Craig Faria votes as a necessity due to there being only 4 member present. Atty. Correira asked if he can vote and he says yes and she waives the conflicts.

For: A Variance from Section 440 Attachment #3 and 440-602 of the Zoning Ordinance for the division of one lot into two lots, lot 1 being a conforming lot and lot 2 having 25.24 ft of frontage and lot width (instead of 100 feet)

For the Petitioner: Atty. Brianna Correira, 123 Broadway, Taunton, Ma.
John DeSousa, NorthCounty Group, 4 Court St., Taunton, Ma.

Opposed: Zack Robey, 31 Blinn's Court, Taunton, Ma.
Brad Gonyer, 30 Blinn's Court, Taunton, Ma.

In favor: None

Atty. Correira stated they are proposing to divide the lot into two lots. Lot 1 is a conforming lot and the Lot 2 has 25 feet of lot width and frontage. Both lots will have city water and sewer. The wetlands along with the long narrow shape is the hardship.

Atty. Correira stated they originally wanted duplexes on both lots but after concerns raised by the abutters the applicant is more than willing to work with them and proposed a single family in the rear lot. Atty. Correira stated there are 6 two family dwellings, 2 three-family dwelling according to the assessor's info. There are about 16 homes in the neighborhood and at least half of them are smaller than the lots they have. A single family and a duplex will remain in harmony with the neighborhood. Chairman Ackerman read dept. letters from the City Planner, Engineer, Fire Dept., Conservation Commission and water dept. There were concerns raised at the Conservation Commission meeting. Chairman Ackerman stated he would prefer both lots be single family. He's aware of abutters concerns with a tree and he suggests saving the tree. He thinks people will take care of the property if they own so he prefers single family on each lot. He's aware of the concerns at the Conservation meeting and they were opposed to duplex in rear. John DeSousa said he spoke with Michele, Conservation Agent and spoke with neighbors and they can move driveway to the right. They will try to go around the tree to save it. In favor: None, Opposed: Zack Robey, 31 Blinn's Court, his concerns are the hill and pitch and the water that funnels into the wetlands. He is happy with a single family on each lot. During the winter they have frosty heaves and runoff from the PACC. He stated the culvert is not accurate on the plans, it's actually several feet away from his property. Opposed: Brad Gonyer, 30 Blinn's Court had concerns with water runoff. As long as they satisfy the Conservation and City Engineer so it won't be any worse. John stated they must comply with the drainage regs. John stated his culvert is away from the property line and he will work with him and he will move theirs further away. John said he is going to have to move culvert to save the tree.

Motion made and seconded to grant with the following condition:

- 1. Both lots to be single family dwelling only.**
- 2. Work with neighbor for a solution to the culvert.**
- 3. Developer to work around the big tree near the driveway.**

Vote: Faria, Rodrigues, Moniz, Ackerman... Yes
Petition granted

Case # 3623

Figueiredo

Phyllis Rd., 68-167

Craig Faria disclosed that he had a conflict of interest but due to there being only 4 members present he can vote as a necessity. Applicant acknowledges and waives the conflict.

For: A Variance from Section 440 Attachment #3 of the Zoning Ordinance for the development of a lot having 14,170 square feet (instead of 15,000 sq. ft.) on premises situated on **Phyllis Road, Taunton, Ma. property I.D 68-167**

For the Petitioner: Brian Dunn, MBL Land Development & Permitting & Permitting Corp, 770 Broadway,

Ste. 6. Raynham, Ma.

Tracey Duarte, P.E., MBL Land Development & Permitting, 770 Broadway, Ste. 6,

Raynham, Ma.

Steve Figueiredo, 33 Ridgewood Dr., Taunton, Ma.

Opposed: None

In favor: Donald Brinard, 37 Barbara Rd., Taunton, Ma.

Mary Buttermore, 17 Barbara Rd., Taunton, Ma.

Donna Urciuoli, 41 Phyllis Rd., Taunton, Ma.

Alan Greenburg, 20 Duffy Dr., Taunton, Ma.

Steve apologized to the audience about the application saying he was proposing a duplex. He's only proposing a single family dwelling. Brian stated the lot was part of an older subdivision "Williams Park" approved in 1964. The lot has 14,170 sq. ft. and it was always understood the lot was buildable. In 1964 per the Assessor's map a majority of the lots had been built. He is proposing a raised ranch which will fit in nicely to the neighborhood. He will tie into water and sewer. Chairman Ackerman read dept. letters from City Planner, Conservation Commission, Engineer, B.O.H. and Fire Dept. Tracey said the water table is 2 feet above ground water as shown on plan. There are mostly raised ranches and colonials in this subdivision. The plans show house will be serviced by water and sewer. The topography is the part of the hardship. Public Input: Don Brinard, 37 Barbara Rd., stated she's in favor. First thing Steve did was talk to her and explain what he wanted to do. He was kind enough to replace all her flowers when they were destroy and even add a few extra. Mary Buttermore, 17 Barbara Rd., stated she lives behind and he does what he says he going to do. Donna Urciuoli, 41 Phyllis Rd., agrees with all what was said before, he's a man of his word. Opposed: Allen Greenberg, 20 Duffy Drive thanked Steve for his apology and was confused because he thought it was a duplex. He's not opposed to a single family and now he's in favor. He asked the board if they made any attempt to contact neighbors saying it was a single family. Chairman Ackerman when the secretary was informed of the single family instead of the duplex she informed whoever called or came in.

Motion made and seconded to grant with the following conditions:

- 1. House to be single family only.**
- 2. The proposed dwelling must be serviced by municipal water and Sewer. The dwelling must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II.**

Vote: Faria, Rodrigues, Moniz, Ackerman... Yes
Petition granted

Meeting adjourned at 9:50 PM